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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,244	02/19/2004	Chui-Chien Chiu	CHEP0030USA	2243
27765	7590	03/25/2005		EXAMINER
NORTH AMERICA INTERNATIONAL PATENT OFFICE (NAIPC)				GHATT, DAVE A
P.O. BOX 506				ART UNIT
MERRIFIELD, VA 22116				PAPER NUMBER
				2854

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/708,244	CHIU ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Dave A. Ghatt	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 February 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6,9-11,13-17 and 20 is/are rejected.  
 7) Claim(s) 7,8,12,18 and 19 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Double Patenting***

1. Claim 20 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 11.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

It appears as though the applicant meant to have claim 20 depend on claim 13. The applicant should note that in the examination of this application, the examiner treated claim 20 as though it depended from claim 13.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 6 and 17 require “the sliding part” to possess “a connecting protrusion”.

From the illustrations and the written description, it is not clear if the invention contains any such connecting protrusion. It appears as though the sliding part does not include a connecting protrusion as recited, but only a vertical slit. In spite of this 35 U.S.C. rejection, the examiner's 35 U.S.C. 102 rejection has addressed the requirement for the sliding part to have a connecting portion.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 9-11, 13-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasumi (US 4,884,907). As illustrated in Figure 1, Yasumi teaches the claimed invention. With respect to claims 1 and 13, Yasumi teaches a positioning apparatus installed inside controlling a printer for position of a first printer part (cassette table 7). As shown in Figure 1, the positioning apparatus comprises, a motor 24 for providing a rotational motion, and a Scotch yoke (15, 23) coupled to the motor for converting the rotational motion into a linear motion. As outlined in column lines 20-64, the position of the first printer part 7 is controlled by the rotational motion of the motor 24 via the linear motion of the Scotch yoke (15, 23).

With respect to claims 2 and 13, Yasumi teaches the Scotch yoke (15, 23) comprising a rotating part 23 for accepting the rotational motion from the motor 24, a sliding part 15 coupled to the rotating part 23 for converting the rotational motion into a linear motion. Figure 1 also

shows a protrusion at the top end (in the vicinity of 22) extending from the sliding part for placing the Scotch yoke in contact with the first printer part 7. Column 3 lines 20-64 and column 5 lines 1-10 also outline this motion, wherein the rotational motion of the rotating part 23 causes the sliding part to move in a back-and-forth linear motion which in turn causes the protrusion to be in-and-out of contact with the first printer part 7.

With respect to claims 3 and 14, Figure 1 of Yasumi shows the rotating part 23 being a disc.

With respect to claims 4 and 15, Figure 1 of Yasumi shows sliding part 15 being an arm.

With respect to claims 5 and 16, Figure 3 of Yasumi shows the rotational motion of the motor 24 is transferred to the rotating part 23 via a rod 19.

With respect to claims 6 and 17, Figure 1 of Yasumi teaches the rotating part 23 having a connecting protrusion 20 and the sliding part 15 having a connecting protrusion 22. Yasumi also teaches the sliding part 15 coupled to the rotating part 23 via the connecting protrusion 20 extending from the rotating part into a vertical slit 17 of the sliding part.

With respect to claims 9 and 10, as outlined in column 5 lines 1-10, Yasumi teaches the actions of the positioning apparatus being divided into a first pressing action (when pushing the table 7) and a second non-pressing action (when withdrawing from the table 7).

With respect to claims 11 and 20, Yasumi teaches the printer part table 7 which meets the requirements to be a lifter.

***Allowable Subject Matter***

6. Claims 7, 8, 12, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a positioning apparatus wherein the rotating part possesses a gap to indicate the position of the rotating part.

Claim 12 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, further comprising a plurality of non-uniform contours disc coupled to the motor, the plurality of disc having a non-uniform contour for controlling the position of a second printer part.

Claim 18 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a positioning apparatus wherein the rotating part possesses a gap to indicate the position of the rotating part.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The applicant's attention is invited to the patents to Park (US 5,971,639 teaching a positioning apparatus) and Hattori (US 5,391,008 teaching a positioning apparatus).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



REN YAN  
PRIMARY EXAMINER